UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 2 2 2011

REPLY TO THE ATTENTION OF:
E-19J

Philip Forst
Federal Highway Administration
380 Jackson St., Ste. 500
St. Paul, MN 55101

RE: Draft Supplemental Final Environmental Impact Statement for Trunk Highway 60 from St. James to Windom, Cottonwood and Watonwan County, MN; CEQ # 20110384

Dear Mr. Forst:

The U.S. Environmental Protection Agency has received and reviewed Federal Highway Administration's (FHWA) Draft Supplemental Final Environmental Impact Statement (Draft Supplemental EIS), dated November 2011, for proposed improvements to Trunk Highway 60 (Highway 60) in Cottonwood and Watonwan Counties, Minnesota. This letter provides our comments on the Draft Supplemental EIS, pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Highway 60 is a principal arterial northeast-southwest highway in southwestern Minnesota. A Final EIS (FEIS; 1983) and Record of Decision (ROD; 1984) were previously prepared for a 52-mile segment of Highway 60 from St. James to Worthington. The preferred alternative identified in the FEIS/ROD consisted of constructing Highway 60 on new alignment to modern highway design standards with subsequent stages to provide added capacity with construction to a four-lane divided highway. To date, nearly 35 miles of the Highway 60 corridor between St. James and Worthington has been constructed as a four-lane divided highway; however, three segments (totaling approximately 17 miles) of the original EIS study limits remain as two-lane highway sections between St. James and Windom.

The Draft Supplemental EIS proposes actions by FHWA and the Minnesota Department of Transportation (MnDOT) to upgrade the three gap segments from two-lane roadway to four-lane divided highway. The gaps are known as the West Gap, the Middle Gap, and the East Gap.

West Gap
The western terminus of the West Gap begins near the northeast edge of the City of Windom near the intersection of John Caldwell drive and extends east to its western terminus just west of the City of Mountain Lake, approximately 750 feet west of Cottonwood County Road 47/560th Avenue; the gap length is approximately 7.5 miles. The Draft Supplemental EIS study area proposes the construction of two additional travel lanes immediately north of the existing Highway 60 alignment to serve westbound traffic; the existing lanes would serve eastbound traffic. Two areas within the West Gap (the "Bingham Lake" area and the "Clear Lake" area) are being studied with alternatives in order to minimize impacts to existing developments and water resources. Preferred alternatives for these areas have not yet been selected.

Middle Gap
The western terminus of the Middle Gap begins just east of the City of Mountain Lake and extends east to just east of the City of Butterfield, approximately 900' west of Watonwan County Road 102; the gap length is approximately 4.2 miles. The Draft Supplemental EIS study area proposes the construction of two additional travel lanes immediately south of the existing Highway 60 alignment to serve eastbound traffic; the existing lanes would serve westbound traffic.

East Gap
The western terminus of the East Gap begins south of the City of Butterfield and extends east to just west of the City of St. James; the gap length is approximately 5.3 miles. The Draft Supplemental EIS study area proposes the construction of two additional travel lanes immediately south of the existing Highway 60 alignment to serve eastbound traffic; the existing lanes would serve westbound traffic.

Based on our review of the document, EPA has assigned this Draft Supplemental EIS a rating of **"EC-2" (Environmental Concerns – Insufficient Information).** EPA has assigned this rating based on three issues: 1) an inadequate wetland delineation; 2) potential wetland impacts not noted in the delineation/Draft Supplemental EIS; and 3) insufficient information concerning mitigation for wetland and water resource impacts. We recommend that FHWA/MnDOT address these issues further in the Final Supplemental EIS. A summary of the rating system used in EPA's evaluation of the document is enclosed with this correspondence.

Wetlands

- EPA views the wetland delineation and wetland impact analysis as insufficient.
  - The wetland delineation did not include descriptions of each of the delineated wetlands as to delineated acreage, whether or not the wetland extended off the project site (e.g., out of the right-of-way), and the dominant vegetation of each wetland.
  - The delineation did not include an overview map showing where each of the 31 data points were taken.
  - It is also unclear why the wetland delineation did not include stream locations or linear footages of flowing waterbodies (streams) within the project right-of-way.
  - Lastly, delineation did not include an investigation of the existing right of way "curve" shown on Figure A12 between 660th Avenue and 670th Avenue.

- EPA has reviewed and compared aerial photography resources to the wetland delineation and Draft Supplemental EIS figures; our review has indicated that additional wetlands may exist within project right-of-way that were not included in the wetland delineation or Draft Supplemental EIS. For sake of clarity, the following summary table provides approximate locations (in degrees/minutes/seconds) of locations where additional wetlands appear to be located. EPA recommends that a supplemental delineation be completed during the growing season of 2012 that includes data points in these locations. Ideally, the supplemental delineation's information would be provided in the Final Supplemental EIS and that information utilized to determine the best placement of the final corridor(s).
- Additionally, EPA recommends that the supplemental delineation be added to a revised original delineation that includes all the omitted information noted above. This information should be provided in the Final Supplemental EIS.

Table 1 – Potentially undelineated wetland areas within the project right-of-way

Potential Wetland Area	Gap Location	Northing	Westing	Description
A	East	43° 57' 51.065"	94° 44' 21.373"	North Side of HWY 60, east of Wetland 5
B	East	43° 57' 49.395"	94° 44' 20.878"	SW Corner of HWY 60 & CR 19, at outfall of culvert
C	East	43° 57' 37.747"	94° 46' 36.952"	South Side of HWY 60, east of Wetland 10
D	Middle	43° 56' 48.828"	94° 51' 36.354"	SW corner of HWY 60 and Un Road
E	Middle	43° 56' 49.278"	94° 51' 39.196"	SW corner of HWY 60 and Un Road
F	Middle	43° 56' 44.432"	94° 51' 54.372"	South Side of HWY 60, west of Un Road
G	Middle	43° 56' 44.432"	94° 52' 4.639"	South Side of HWY 60 between 600th Ave. and Un Road
H	Middle	43° 56' 34.26"	94° 53' 8.942"	South Side of HWY 60, east of Wetland 19
I	West	43° 55' 36.32"	94° 58' 26.831"	North Side of Highway 60 east of Wetland 21
J	West	43° 54' 53.458"	95° 0' 51.204"	North Side of Highway 60 between stream and County Road 46
K	West	43° 54' 39.458"	95° 2' 49.029"	North Side of Highway 60 east of 8th Street
L	West	43° 54' 39.014"	95° 2' 49.029"	North Side of HWY 60 east of 8th Street
M	West	43° 53' 38.19"	95° 5' 4.303"	North Side of HWY 60 between Wetland 29 and Wetland 28

- The Draft Supplemental EIS is unclear on whether or not the June 2011 wetland delineation has been submitted to the St. Paul District of the U.S. Army Corps of Engineers (USACE) for review/approval, and does not specify if a jurisdictional determination has been completed by USACE. EPA recommends the Final Supplemental EIS note the date(s) when the original delineation/supplemental delineation were/are submitted to the USACE, and include a copy of USACE's jurisdictional determination, when issued, as an appendix to the document.
- Acreages of potential wetland impacts within the document vary. Pages 7 and 88 of the Draft Supplemental EIS state that wetland impacts will vary between 6.2 to 7.87 acres (depending on the final alignments); however, page 109 states that an estimated 9.72 to 11.63 acres of permanent wetland impacts are expected. In the Final Supplemental EIS, please clarify this discrepancy.

To further minimize impacts to wetlands and sensitive aquatic habitats, EPA recommends the following measures be implemented during construction and committed to in the ROD:

- Winter construction, if/when feasible;
- Minimize widths of temporary access roads/paths;
- Use removable materials for construction of temporary access roads/paths (e.g. timber/swamp mats) in lieu of "fill" materials such as stone, riprap, or wood chips;
- Use timber/swamp mats to distribute the weight of construction equipment in order to minimize soil rutting and compaction;
- Use vehicles and construction equipment with wide tires or rubberized tracks, or low ground-pressure equipment, to further minimize wetland impacts during construction;
- Use long-reach excavators, where appropriate, to avoid driving, traversing, or staging in wetland areas; and
- Use cofferdams and dam/pump arounds to isolate work areas from active flow.

Utility Adjustments and Connected Actions

- EPA has concerns regarding the following statement in the Draft Supplemental EIS:

  "Construction of the additional lanes will cause the relocation of certain utilities currently located in or directly adjacent to the current right-of-way. These relocations have the potential to result in some environmental impact through work needing to take place in wetlands, vegetation clearing, utility right of way maintenance requirements, or similar work. While MnDOT and FHWA recognize the possibility of such impacts, at this time it is not possible to estimate the nature and magnitude of such future impacts." (p. 40).

  - While EPA understands that the ultimate siting and relocation responsibilities rest with the utility companies, MnDOT and FHWA are not relieved of their responsibility to analyze and quantify associated wetland impacts, as the utility adjustments are clearly connected actions[1] to the highway project under NEPA. Any wetland impacts resulting

[1] Connected actions, as defined in NEPA, are those that are "closely related" to the proposal and alternatives. Connected actions automatically trigger other actions, they cannot or will not proceed unless other actions have been

from utility relocations should be included in wetland impact (and subsequently wetland mitigation) calculations.

Streams

- The Draft Supplemental EIS's "Water Quality and Surface Water Drainage" component did not adequately or specifically discuss impacts to streams proposed in the project corridor. EPA has reviewed and compared aerial photography resources to the wetland delineation and Draft Supplemental EIS figures. EPA's review has indicated that multiple streams are present within the project right-of-way that were not included in the wetland delineation or Draft Supplemental EIS. The following summary table provides approximate locations (in degrees/minutes/seconds) where streams appear to be located.
- EPA recommends that the Final Supplemental EIS be modified to include a summary table of stream impacts, their locations, stream type, linear footage of impact, and type of impact (i.e., relocation, encapsulation, etc.).
- The Final Supplemental EIS should also discuss measures taken to avoid stream impacts, measures taken to minimize unavoidable impacts, and measures proposed as in-kind mitigation (including location, watershed, type, length, etc.) for stream impacts.

Table 2 – streams noted within the project right-of-way

Stream	Gap Location	Northing	Westing	Description
1	West	43° 54' 47.392"	95° 1' 9.549"	referred to as "County Ditch #2'; proper U.S. Geologic Survey (USGS) naming convention makes this an unnamed tributary to the South Fork Watonwan River
2	Middle	43° 56' 57.166"	94° 50' 21.559"	unnamed tributary to Butterfield Creek; flows through Wetland 16
3	Middle	43° 56' 55.571"	94° 49' 1.083"	headwaters of unnamed tributary to St. James Creek; proposed to be relocated
4	East	43° 57' 51.758"	94° 42' 7.404"	USGS connection unknown; appears to connect to wetlands offsite

- EPA recommends that both new and replacement culvert crossings be designed to allow fish and other aquatic organism passage and to ensure continuity of the aquatic habitat (by not restricting or altering water depth, flow, or velocity). Span crossings (bridges, 3-sided box culverts, open-bottom culverts or arches) are preferred from both an environmental and fisheries standpoint as they preserve the natural stream channel and maintain favorable habitat and natural processes and aquatic organism passage under and/or through the structure. If a non-open bottom crossing is pursued, (such as a four-sided box culvert or a

taken previously or simultaneously, or they are interdependent parts of a larger action and depend on the larger action for their justification. (40 CFR 1508.25)

pipe), they should be embedded a minimum of two feet (and at least 25% for round pipe culverts) into the bottom of the channel.

- In the Final Supplemental EIS, EPA recommends that you provide specific information on each proposed stream impact, including a description on whether the proposed impact is a new culvert or a replacement/extension of an existing culvert. Information provided should include the length and diameter (or height/width) of each type of existing culvert (if extension is proposed) or the length and diameter (or height/width) of each new/replacement culvert, as appropriate.

- All proposed stream relocations should be constructed in the dry; specifically, the new length of channel should be excavated, graded, stabilized with erosion control blankets, seeded, and have vegetation established before the ends of the new channel are opened to flow.

In addition to minimizing wetland, lake, and stream impacts through thoughtful design of final construction plans, EPA recommends that you commit to the following measures in the ROD for implementation during construction:

- Comply with all applicable federal, state, and local laws and regulations that control the prevention of pollution of the environment, including those related to the introduction or spread of invasive species or pathogens in waterways;
- Conduct and schedule work operations to avoid or minimize siltation of streams, lakes, and wetlands;
- Avoid crossing actively flowing streams or operating machinery on the bed of actively flowing streams unless specifically approved to do so by all appropriate regulatory agencies;
- Remove existing structures over actively flowing streams in large pieces to minimize the number of smaller pieces that may drop into the water or wetlands. Commit to removing all steel and all concrete pieces or other debris larger than 5 inches in any dimension that fall into any stream, lake, or wetlands;
- Install a non-sediment producing dike, cofferdam, or other barrier to separate work areas or pits from, and to keep sediment from entering, lakes, wetlands, or actively flowing streams (if work areas or pits are located in or adjacent to a work area or pit). Maintain these barriers during construction to minimize the siltation or filling of the stream, lake, or wetland. Remove all barriers post-construction.

Figures

- EPA recommends that Figures provided in the Final Supplemental EIS be amended to show any newly-delineated wetland areas and to include stream centerlines and linear footages of stream impacts.

Mitigation

- The Draft Supplemental EIS is clear that project sequencing should avoid impacts to wetlands and water resources whenever possible, minimize unavoidable impacts, and provide mitigation for unavoidable impacts. However, the Draft Supplemental EIS does not provide

substantive information on proposed mitigation measures for unavoidable impacts to wetlands, lakes, and streams. While a minimal amount of discussion is provided for potential wetland mitigation, the document lacks any information on stream or lake/open water mitigation. The Draft Supplemental EIS provides the following statement regarding wetland mitigation:

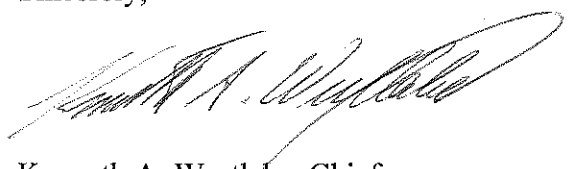
> *"Currently, pre-approved bank sites are the preferable replacement method since credits are already certified and approved by the permitting agencies. However, if viable replacement sites are identified within the Highway 60 corridor, they will also be pursued as potential mitigation sites, subject to regulatory approval." (p. 91).*

- EPA requests that more information about the specific mitigation bank(s) to be utilized for mitigation be provided in the Final Supplemental EIS. Specifically, a discussion of mitigation ratios and available credits at each named mitigation bank, including habitat types, acreages, and functions and values should be provided. Additionally, the wetland (and stream) mitigation information should indicate whether the proposed mitigation site(s) are within the same 8-digit watershed as the proposed impacts.
- Mitigation information for all types of impacts, including wetland, stream, and open water, should be discussed in the Final Supplemental EIS. To summarize, the aforementioned information should be added in the wetland, stream, and open water mitigation sections of the Final Supplemental EIS to enable reviewers to understand whether proposed mitigation projects will be a good fit to replace functions and values that will be lost as a result of the proposed project.
- The Draft Supplemental EIS indicates that impacts to natural prairie remnants are likely. Within these prairie remnants, occurrences of Sullivant's Milkweed (*Asclepias sullivantii*), a state-listed threatened species, have been documented. The Draft Supplemental EIS states, "*Efforts will be made to avoid minimize or if necessary mitigate impacts to prairie remnants during the detail [sic] design phase.*" In the Final Supplemental EIS and ROD, EPA recommends that FHWA/MnDOT commit to avoiding impacts to remnant prairie to the extent possible, as mitigation for natural prairie is difficult. For impacts deemed unavoidable and shown to be minimized to the extent practicable, EPA recommends that FHWA/MnDOT commit to specific mitigation measures that will be undertaken to mitigate impacts to prairie remnants.

With the exception of concerns relating to wetlands, water resources, and mitigation, the Draft Supplemental EIS adequately identifies and assesses potential impacts associated with the proposal. In particular, EPA commends your thorough assessment of indirect impacts and potential noise impacts and, while ultimately not deemed reasonable and feasible, your evaluation of noise barrier mitigation. EPA also appreciates your submittal of Supplemental Information CD-ROM with the Draft Supplemental EIS.

Please send one copy of the Final Supplemental EIS and ROD to my attention once it becomes available. We look to the Final Supplemental EIS and ROD to disclose the rationale for selecting the final route(s). If you have any questions about this letter, please contact Ms. Liz Pelloso, PWS, of my staff at 312-886-7425 or via email at pelloso.elizabeth@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure

cc: Dave Studenski, USACE-St. Paul District
Tony Sullins, USFWS
Kevin Molloy, MPCA
Peter Leete, MnDNR
Peter Harff, MnDOT
Mark Benson, SEH Inc.

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION

Environmental Impact of the Action

LO-Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate
The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alterative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information
The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment